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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,825	03/18/2004	Scott Goldthwaite	WS-105	7012

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AKC PATENTS
215 GROVE ST.
NEWTON, MA 02466

EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,825

Applicant(s)

GOLDTHWAITE ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 112

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 14 recites the limitation "said second network" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-9 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Arques et al..

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Regarding claims 1,4,5,7,8,14-20, Benson discloses a system for performing mobile authentication service transaction between a mobile phone and a network (mobile transactions) (information exchange transaction) (col. 1 lines 9-33 and col. 2 lines 19-31) comprising: a mobile communication device (fig. 4) comprising a subscriber identification module (SIM) card socket (slot) (fig. 4 number 12) and a phone interface logic interface (virtual subscriber identification) (VSIM) interface (fig. 4 number 11) connected to said SIM card slot (fig. 4); a network service provider (server device) (server computer) (col. 3 lines 1-10); and wherein said mobile communication device is adapted to connect to said server device via a first wireless network (col. 3 lines 1-10 and col. 3 lines 53-67), provides subscriber identity authentication to said server device via said a phone interface logic (VSIM) (inherent, since the phone interface logic is attached to the SIM Socket taught in fig. 4 and provide subscriber identification to the network provider, taught in col. 2 lines 10-30). Benson differs from claim 1 of the present invention in that it does not disclose the mobile phone manages communication with said server device utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14). Arques et al. teaches a system (fig. 1) wherein a mobile station SIM card allows a distant server to perform authentication a subscriber identity using SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document GSM 11.14) (P:0007 line 1 through P:008 line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sato with the mobile phone manages communication with said server device utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14) in order for the system to provide a security transaction layer session according to a protocol used by the mobile phone's SIM when accessing an internet network, as taught by Arques et al..

Regarding claim 2, Benson discloses a CPU (fig.4 number 10) mobile (transaction client application) for managing said communication between said mobile communication device and said server device (i.e. mobile phone replying its identification to the network provider) (col. 2 lines 10-30).

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Regarding claim 3, Benson discloses said server device further comprises a mobile transaction server application for managing communication between said server and said mobile communication device (col. 1 lines 24-34).

Regarding claim 6, Benson discloses one or more additional SIM slots, a second SIM card connected to one of said one or more additional SIM slots and a smart card reader (col. 3 lines 1-35 and col. 6 lines 8-15).

Regarding claim 9, Benson discloses a system as discussed supra in claims 1 and 8 above. Benson differs from claim 9 of the present invention in that it does not disclose said wireless telecommunications network is a Global System for Mobile Communications (GSM). Arques et al. teaches a network that is a Global System for Mobile Communications (GSM) (P:0007 lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Benson with said wireless telecommunications network is a Global System for Mobile Communications (GSM) in order to provide the system ETSI standards specifying the infrastructure for a digital cellular service which coordinates with the mobile phone SIM, as taught by Arques et al..

Regarding claim 13, Benson discloses a Short Message Service (SMS) communication format (col. 3 lines 18-23).

6. Claims 21-29 and 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Arques et al..

Regarding claim 21,24,25,27,28,35,36-40, Sato discloses a method for performing mobile information exchange transactions (fig. 3) comprising: providing a mobile communication device (fig. 2) comprising a subscriber identification module (SIM) card socket (slot) (fig. 2 number 201 and 202) and a driver (fig. 2 numbers 241 and 242) (virtual subscriber identification) (VSIM) interface connected to said SIM card slot (fig. 2); providing a server device with a network (p:0037 line 1 through p:0039 line 13 and fig. 14 number 14); connecting said mobile communication device to said server device via a first network (p:0037 line 1 through p:0039 line 13 and fig. 14 number 14); providing subscriber identity authentication of said mobile communication

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device to said server device via said VSIM interface (p:0005 lines 1-5, p:0029 lines 1-11 and (p:0037 line 1 through p:0039 line 13 and fig. 14 number 14); and communicating between said mobile communication device and said server device (p:0037 line 1 through p:0039 line 13 and fig. 14 number 14). Sato differs from claim 21 of the present invention in that it does not disclose said mobile communication device manages said communication utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14). Arques et al. teaches a mobile station SIM card allows a distant server to perform authentication a subscriber identity using SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document GSM 11.14) (P:0007 line 1 through P:008 line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Benson with the mobile phone manages communication with said server device utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14) in order for the system to provide a security transaction layer session according to a protocol used by the mobile phone's SIM when originating a data call in Korea so that the mobile telephone can be charge for the data call services, as taught by Arques et al..

Regarding claim 22, Sato discloses a hardware control unit HWC (fig. 2 number 103) (mobile transaction client application) for managing said communication between said mobile communication device and said server device (p:0037 line 1 through p:0039 line 12 and fig. 14 number 14).

Regarding claim 23, Sato discloses said server device further comprises a mobile transaction server application for managing said communication between said server and said mobile communication device (Korea charges the mobile telephone for call services) (P:0079 lines 1-10).

Regarding claim 26, Sato discloses one or more additional SIM slots (fig. 2 number 201 and 202), a second SIM card connected to one of said one or more additional SIM slots (fig. 2 number 1002), and an external card reader (fig. 2 number 102a).

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Regarding claim 29, Sato discloses a Global System for Mobile Communications (GSM) (p:0003 lines 1-5).

Regarding claims 31,32 and 34, Sato discloses said first network is adapted to connect to a second wireless network (40) through a mobile operator gate and wherein said server is adapted to connect to said second network thereby connecting to said first network (42) and said mobile communication device (fig. 14 and P:0079 line 1 through P:0081 line 8).

Regarding claim 33, Sato discloses a method as discussed supra in claim 21 above. Sato differs from claim 33 of the present invention in that it does not disclose said communication comprises a Transmission Control Protocol/Internet Protocol (TCP/IP) format. Arques et al. teaches communication that uses a Transmission Control Protocol/Internet Protocol (TCP/IP) format (P:0008 line 1 through P: line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sato with said communication comprises a Transmission Control Protocol/Internet Protocol (TCP/IP) format in order for transaction to guarantee integrity and reliability data communication when the mobile telephone seeks an internet communication connection in Korea, as taught by Arques et al..

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Arques et al. as applied to claim 21 above and in further view of Goldberg et al..

Regarding claim 30, the combination of Sato and Arques et al. differs from claim 30 of the present invention in that they do not disclose said first network is a Bluetooth network. Goldberg et al. teaches a personal Bluetooth network (p:0051 lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made To modify the combination of Sato and Arques et al. with said first network is a Bluetooth network in order for the mobile telephone to pay for call charges by having it SIM card debited

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by a short range debit call station, as taught by Goldberg et al.

8. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Arques et al. as applied to claim 1 above and in further view of Goldberg et al..

Regarding claim 10, the combination of Benson and Arques et al. differs from claim 10 of the present invention in that they do not disclose said first network is a Bluetooth network. Goldberg et al. teaches a personal Bluetooth network (p:0051 lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made To modify the combination of Benson and Arques et al. with said first network is a Bluetooth network in order for the system to verify the mobile phone identification using short range communication, as taught by Goldberg et al..

Regarding claims 11 and 12, the combination of Benson and Arques et al. differs from claim 11 of the present invention in that they do not disclose said first network is adapted to connect to a second network through a mobile operator gate and wherein said server is adapted to connect to said second network thereby connecting to said first network and said mobile communication device. Goldberg et al. teaches a first network (fig. 2 number 16) is adapted to connect to a second wireless network (fig. 2 number 18) through a mobile operator gate and wherein said server is adapted to connect to said second network thereby connecting to said first network and said mobile communication device (P:0028 line 1 through P:0030 line 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Benson and Arques et al. with said first network is adapted to connect to a second network through a mobile operator gate and wherein said server is adapted to connect to said second network thereby connecting to said first network and said mobile communication device in order for the system to allow the mobile phone an internet connection from a GSM network to a packet data network, as taught by Goldberg et al..

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Serge (U.S. Pub 2004/0185888) discloses solving mobile station identity in a multi-SIM Situation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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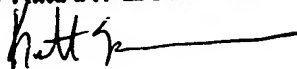
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Keith Ferguson

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May 17, 2006

KEITH FERGUSON
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Keith", followed by a horizontal line.